Remarks/Arguments

This application has been reviewed in light of the Office Action dated February 10, 2005. Claims 1-24 are pending in the application. By the present amendment, claims 1 and 15 have been amended. No new matter has been added. The Examiner's reconsideration of the rejection in view of the amendment and the following remarks is respectfully requested.

By the Office Action, claims 1, 2, 4, 5, 9-16 and 19-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,647,411 to Towell et al. (hereinafter Towell).

Towell is directed to a video-on demand system, where a placed order results in a plurality of titles being speculatively downloaded to a cache and offered to the subscriber for future viewing. The cache system proposed by Towell provides suggestive advertising by offering the opportunity to view programs of a similar nature to the user's original order. The system of Towell permits the cache to be located anywhere in the system, thereby indicating that the system of Towell is not concerned with reducing order lag time by caching documents close to the user's locations, which will be potentially ordering the document.

In stark contrast, the present invention provides caching of documents based on a number of orders received for that document. The more a document is requested the more likely it will be stored in cache and/or the more likely it will remain in cache. Frequently ordered movies will be stored in and/or remain longer in a more localized cache to reduce lag time in receiving the order. This is completely different from the system of Towell which

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cache's different content in the hope of enticing a subscriber to order the speculatively cached content.

Claim 1 now recites, *inter alia,* an asynchronous transfer mode (ATM) on-demand

digital document delivery system, comprising ... a cache coupled to the server for storing digital documents sent by the server when ordered by a given number of customers above a threshold amount, the cache for reducing network traffic by satisfying the on-demand orders instead of the server.

Claim 15 now recites, *inter alia,* a method for providing a digital document on-demand over an asynchronous transfer mode (ATM) network including ... storing the digital document in a cache located within the ATM network when a given number of orders for the digital document exceeds a threshold.

The system of Towell is for suggestive advertising of new related titles and is not concerned with "reducing network traffic by satisfying the on-demand orders instead of the server". This is apparent from the fact that Towell downloads different content to the cache and further is not concerned where the cache is located (the cache can be located on the server in Towell). In addition, nowhere in Towell is a cache coupled to the server for storing digital documents sent by the server when ordered by a given number of customers above a threshold amount.

It is therefore respectfully submitted that Towell fails to disclose or suggest the present claimed invention as set forth in amended claims 1 and 15. Claims 1 and 15 are believed to be in condition for allowance for at least the reasons stated. Dependent claims 2-14 and 16-24 are also believed to be in condition for allowance for at least the reasons

stated and due to their dependencies from claims 1 and 15.

By the Office Action, claims 3 and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Towell in view of U.S. Patent No. 6,640239 to Gidwani, hereinafter Gidwani.

The Applicant disagrees with the rejection in view of the above stated reasons. Reconsideration is respectfully requested.

By the Office Action, claims 6, 7, 10 17, 18 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Towell in view of Gidwani and further in view of U.S. Patent Publication No. 2002/0007402 to Thomas Huston et al., hereinafter Huston.

The Applicant disagrees with the rejection in view of the above stated reasons. In addition, other reasons exist for allowing these claims. For example, claims 7 and 17 include: wherein the amount of time the given document is maintained in the cache is based on a number of orders placed for the given document.

Towell, Gidwani and Huston, alone or in combination fail to disclose or suggest at least this element. Huston at paragraph 57 discusses deleting cache content after no orders for the content have been placed for a specified amount of time. The amount of time is pre-specified and is not dependent on a number of orders placed. This method is supported by the other paragraphs of Huston cited by the Examiner. However, the elements of the present invention are not disclosed or suggested.

Claim 7 dynamically creates a time based on the number of orders and not by pre-specifying a time to delete content if no orders are received. Huston is completely different from the present invention and fails to cure the deficiencies of Towell and Gidwani. As such, the rejected claims and in particular, claims 7 and 17 are believed to be in condition

for allowance. Reconsideration is respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that all the claims now pending in the application are in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's Deposit Account No.

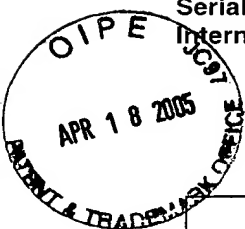Respectfully submitted,

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April 14th 2005   _NDiamond_

Date   Administrator Name